

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

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STERRY STREET AUTO SALES, INC.,)
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Plaintiff,)
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v.) C.A. No. 17-292-WES
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BULK CARRIERS (P.E.I.) LTD.,)
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Defendant.)
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ORDER

WILLIAM E. SMITH, Chief Judge.

Before the Court is Plaintiff's Motion to Remand to State Court (ECF No. 12). For the following reasons, the motion is granted.

This case centers around property damage caused by a motor vehicle accident which occurred on July 14, 2014. Plaintiff originally brought this case in Providence County Superior Court, alleging damages of \$100,000; Defendant thereafter removed the case based on its good faith belief that this Court could exercise original jurisdiction under the provisions of 28 U.S.C. § 1332(a)(2).

After unsuccessful settlement negotiations in this Court, Plaintiff moved to remand the case, arguing that removal was improper in the first instance because, despite its claim for \$100,000 in damages, "Defendant was aware at all times that . . .

[t]here never was more than Seventy-five Thousand (\$75,000.00) Dollars in controversy" and, therefore, this Court lacks subject matter jurisdiction. (Pl.'s Mem. in Supp. of Mot. to Remand 3, ECF No. 12.) Defendant filed a Reply (ECF No. 13) in which it agreed to a remand "[t]o the extent that the Plaintiff is stipulating that its claimed damages do not meet the \$75,000.00 amount in controversy threshold . . ." (Def.'s Reply 2, ECF No. 13.) As such, the parties have effectively agreed that the amount in controversy does not satisfy the requirements for diversity jurisdiction under 28 U.S.C. § 1332.

Having heard no objection and finding that it lacks subject matter jurisdiction to adjudicate the claims presented in this case, the Court GRANTS Plaintiff's Motion to Remand to State Court (ECF No. 12).

IT IS SO ORDERED.



William E. Smith
Chief Judge
Date: December 6, 2018